

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and the following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-8 are pending in this application. Claim 1 is independent and is hereby amended by this response. Claims 1-3 and 6-8 are rejected in the Office Action.

II. THE REJECTIONS UNDER 35 U.S.C. § 112

In paragraph 4 of the Office Action, claims 3-7 were rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants submit that the term "permanently" means that a means is provided for making it possible to direct in a permanent way the crank pin from same tracks. The crank pin 6 can never go in track 20 directly from position 'a' or 'c', but can go directly from track 20 to position 'a' or 'c' i.e. the crank pin is diverted from track 20 when in position 'a' or 'c', as shown in Figures 1 and 3. The slider 1 is provided with tracks 20 and 21 in which the crank pin 6 is displaced. A leafspring 17 returns the slider 1 counter to the crank pin 6 so that the latter is permanently displaced to the bottom of the tracks 20 and 21. As shown in Figure 5h, when the crank pin 6 comes in contact with the step 24a and is displaced against the latter and against the ramp 25a as far as its end, the step constitutes a means that makes it possible to permanently divert the crank pin steering toward the track above the step. Further, as shown in Figure 9, flaps 51a and 51b allow the displacement of the crank pin in only one direction in the two vertical side

channels of the slider 1. It should be noted that the tabs may also be articulated about axes parallel to the bottom of the tracks 52. However, these tabs constitute means that make it possible to permanently divert the crank pin steering toward the tracks located above the tabs. Support for this can be found in paragraphs 35, 46 and 56 of the Specification as originally filed.

III. THE REJECTIONS UNDER 35 U.S.C. § 103(a)

In paragraph 6 of the Office Action, claims 1-3 and 6-8 were rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by FR 2,473,221 to Rutterschm (hereinafter merely "Rutterschm") in view of U.S. Patent No. 6,392,374 to Menetrier et al. (hereinafter merely "Menetrier"). The rejections are traversed for at least the following reasons.

As recited in independent claim 1, the instant invention is directed to *inter alia*:

"A device ... provided with a crank and with a crank pin and ... comprises a slider that can move in translation, has a rest position and is provided with tracks in which the crank pin is displaced, and wherein, when the slider is displaced toward its rest position, the tracks allow the crank pin to be guided toward three zones of the slider in which its position is stable and which correspond to the three positions of the switching means." (Emphasis added).

As understood by the Applicants, Rutterschm relates to an electric switch and not specifically to an electric switch for controlling the electric power of a motor for operating a closure, privacy or sun-protection element. Applicants submit that Rutterschm does not disclose that the slider has any rest position. The slider (14) can slide in the sleeve; however, it has no rest position because Rutterschm does not disclose the use of any spring or equivalent means for returning the slider in a rest position.

Additionally, the slider of Rutterschm does not permit the guidance of the crank pin 10 toward three zones of the slider in which its position is stable, as recited in the instant claims. Quite contrary to the instant invention, the crank pin has only one stable position in Rutterschm:

the position in fig. 1. In other words, when the crank pin is in tracks 18, its position is unstable. (See pg. 1, ln. 1-7 and pg. 6, ln 2-30; pg. 1, ln 6-12 and pg. 6, ln. 37 - pg. 7, ln. 28 of the English translation). Accordingly, there is no position of the slider in Rutterschm, in which the crank pin can be stable in 3 positions; a, b, c.

As understood by the Applicants, Menetrier relates to a control device that includes a switch controlling the power supply to a motor and an actuator which actuates this switch by rotatably reacting against the moving object being restrained so as to cause the switch to be opened and to cut off the power supply to the motor. This actuator consists of a bistable (two stable positions) mechanical device capable of taking up an ON state in which the switch is closed and an OFF state in which the switch is open. Firstly, when the slider of the instant invention is displaced toward its rest position, the tracks allow the crank pin to be guided towards three zones of the slider in which its position is stable and which correspond to the three positions of the switching means. The three positions of Menetrier that the Examiner is referring to are actuated by the movement of a cam 33' (See col. 5, lines 38-66 of Menetrier) and not a crank or crank pin as recited in claim 1. Moreover, the slider 14 of Menetrier does not have any tracks. It is instead the fixed part 13 that is provided with tracks. Therefore, in Menetrier, the fixed part 13 cannot be provided with a spigot and the slider 14 cannot be provided with tracks. Therefore, in a configuration according to Menetrier, the cam 9 cannot actuate the spigot. (Menetrier, Co. 4, lines 1-11).

Furthermore, the relied upon portions of Rutterschm and Menetrier do not appear to teach or disclose the above identified feature of claim 1. Therefore Applicants respectfully submit that neither Rutterschm nor Menetrier teach or suggest a switching means having two extreme positions A and C and an intermediate position B. Specifically, they do not disclose that when

the slider is displaced toward its rest position, the tracks allow the crank pin to be guided toward three zones of the slider in which its position is stable and which correspond to the three positions of the switching means, as recited in the instant claims. It is clear from Figure 1 of Rutterschm that there are only two stable positions, similar to the design of Menetrier.

For at least the foregoing reasons, Applicants' attorneys respectfully submit that independent claim 1 patentably distinguishes over the relied upon portions of Rutterschm and Menetrier, and is therefore allowable. For similar reasons, independent claim 8 is believed to be patentable. Further, claims 2-7 that depend from claim 1 are allowable therewith.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

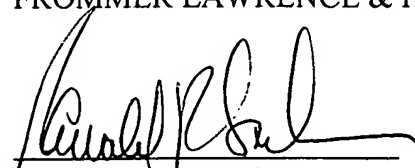
CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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